



CRL OP (MD) No.3611 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL OP (MD) No.3611 of 2025

Venkatesh

... Petitioner / Accused No.1

Vs.

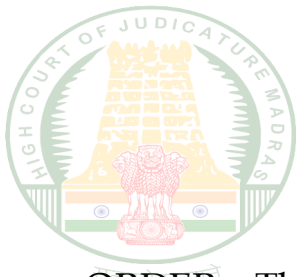
The State of Tamil Nadu rep by
The Inspector of Police,
Peraiyur Police Station,
Madurai District.
(Crime No.204 of 2024)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the petitioner in Crime No.204 of 2024 on the file of the respondent-police.

For Petitioner : Mr.Sivakumar Rajappan,
Advocate
for M/s.Law Shine LLP

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor



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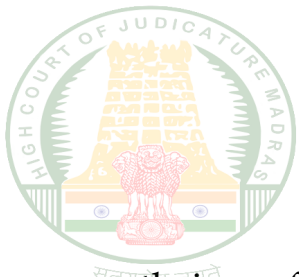
ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 24.02.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/A1 was arrested and remanded to judicial custody on 30.09.2024 for the alleged offences punishable under Sections 8(c), 20(b)(ii)(C), 29(1) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.204 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that, based on secret information, on 30.09.2024, at about 06:10 hours, the Special Sub-Inspector of Police, along with his team, was on patrol duty near Paraiyur Perumal Temple Street. At that time, the police intercepted the petitioner (A1), who was in possession of 4 kgs of ganja in two white gunny bags. On seeing the police, the petitioner (A1) ran into his house; however, the police apprehended him. On inquiry and a search of his house, the police found that the petitioner (A1) was further in possession of 70 kgs of ganja. The police seized the entire 74 kgs of ganja from him. Based on his confession, A2 and A3 were arrested, and on inquiry, they were also found in possession of 500 grams of ganja each. Based



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on their confessions, Accused No.4 was arrested on 16.11.2024. Thus, out of the five
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accused persons, Accused Nos.1 to 4 have been arrested in this case, and the total
quantity of ganja involved is 75 kgs. Hence, the case.

4. Mr.Sivakumar Rajappan, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner was not even present at the scene of occurrence. He further submits that the respondent-police forcibly took the petitioner from his house, subjected him to torture, and coerced him into giving a confession. He further submits that the petitioner has been forcibly implicated in this case and has been incarcerated since 30.09.2024. He however submits that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Accordingly, he prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that there are totally five accused persons in this case, and the petitioner has been arrayed as A1. He further submits that the petitioner was arrested on 30.09.2024 while in possession of 4 kg of ganja. Furthermore, based on his information, the respondent-police seized 70 kg



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from his house. In total, the respondent-police seized 74 kg of ganja from the petitioner (A1). He further submits that there is one previous case against the petitioner. Therefore, he vehemently opposes to grant bail to the petitioner, stating that if bail is granted, the petitioner may abscond, cause threat to the witnesses, and thereby delay the trial proceedings. Accordingly, he prays to dismiss the petition.

6. Heard on both sides. This Court has perused the records.

7. The fact remains that the respondent-police seized 75 kg of ganja from the petitioner, which constitutes a commercial quantity. The investigating agency has collected sufficient materials to establish its case during the trial. The materials collected by the investigation agency are adequate to prima facie hold that the petitioner committed the offence. Furthermore, the petitioner has not satisfied the twin conditions stipulated under Section 37 of the NDPS Act. Therefore, this Court is not inclined to grant bail to the petitioner. It is to be noted that the above view is recorded only for the limited purpose of deciding the bail petition. This view, in no way, would prejudice the rights of the prosecution to establish its case during the trial or the rights of the petitioner (A1) to defend the case.



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8. Accordingly, this Criminal Original Petition is dismissed.

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04/03/2025
Sub-Assistant Registrar (AE)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1.THE INSPECTOR OF POLICE,
PERAIYUR POLICE STATION,
MADURAI DISTRICT.

2.THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI.

3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.3611 of 2025
Date :04/03/2025

RK (04/03/2025) 5P / 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023